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Poisonous materials stored here

By **Dennis Myers**

The state of Nevada has decided it can't try to stop the federal government from dumping more than 4,000 tons of mercury in the state.

"We've looked at our options, and it just doesn't look like there's a good option for keeping it out of the state," said state conservation and natural resources director Allen Biaggi.

Instead, Biaggi's department last week won approval from the Nevada Environmental Commission of a new regulation that enhances the ability of state regulators to police the Hawthorne dump for packaging, leakage, suppression measures in the event of fire, and other steps. The regulation will come up for renewal in a year.

The U.S. Defense National Stockpile Center elected Nevada to take the mercury without ever informing the state it was being considered. The mercury is to be moved from several defense sites around the nation to a military base near Hawthorne in Mineral County.



At the Defense National Stockpile Center's Somerville Depot in Hillsborough, N.J., 30-gallon drums--each containing size flasks of mercury--away shipment to a dump in Mineral County, Nevada.

Courtesy Of Defense National Stockpile Center

The commissioners engaged in a wider discussion involving more than just the Hawthorne dump. They questioned whether the state is doing enough to regulate the deadly toxin. The discussion took on greater import because Nevada is being pressured by neighboring states over mercury releases from Nevada mining

properties. Utah has posted fish consumption warnings on three bodies of water, Idaho on nine more. Utah has also put a warning on two species of ducks wherever they are found and has formed a special tax force on the mercury problem. The issue has become sensitive enough that Idaho's governor recently killed any plans for allowing coal-fired power plants in that state. (Such plants generate mercury.)

Commissioner Frances Sponer, who also sits on the Nevada Board of Health, questioned state officials closely on why the regulation provided for oversight of mercury only when more than 200,000 pounds was involved. That would cover the Hawthorne dump but would leave most private stocks unregulated.

"If it was 10,000 pounds, then it would not be regulated?" Sponer inquired.

"Correct--under CAPP," said air quality official Mark Zusy, referring to the state's Chemical Accident Prevention Program.

Sponer persisted. "What would it be regulated under?" Things got vague then, and the answer was not conclusive that there would be any regulation of such an amount.

During discussion of a mining site with 1,600 pounds of mercury, Sponer said, "Sixteen hundred pounds seems like a lot of mercury."

"I'm not interested in every sphygmomanometer or thermometer," she said, "but if someone's holding more than 500 pounds at one location, then I think we ought to look at that."

Other commissioners joined her in that concern.

"I daresay if there was a 5,000-pound mercury spill, we'd all be on the phone," said Commissioner Alan Coyner, who chaired the meeting.

"I'm prepared to support the motion, but I would really like the division to look at these numbers again over the next year," Commissioner Doug Hunt said.

Picking up on the sentiment in the room, state environmental protection administrator Leo Drozdoff agreed to provide the commission with more information but also said that there are limits to his workforce. "We'll provide you with your information at the next meeting," he said, "but we'll also give you information on the limitations of that program."

After the regulation was approved and a recess called, Biaggi said that lowering the threshold for regulation carries implications that were not touched on in the meeting. For instance, mercury regulation is paid for by fees on operations that generate the mercury. If the threshold is lowered, increasing the regulation, that will require higher fees on those businesses to pay for it.

Air pollution official Alan Zusy told the commissioners that if they fail to act on providing greater protection against mercury, state lawmakers would probably do it. He said one of the reasons the new regulation was before the commission was that Clark County Sen. Dina Titus, who chairs a legislative committee covering the subject, has been pushing for action on more rigorous regulation. "Some of the recommendations you're hearing today are a reflection" of legislative interest, he said.

On the same day the commission met, the Idaho Environmental League reported the results of a public records request to the Nevada Division of Environmental Protection for records of reports filed by Nevada mining corporations. The groups said that the records indicated that Newmont Mining had underreported its generation of mercury until stricter reporting requirements were adopted by the state. It reached this conclusion because the amount of mercury being reported rose sharply after the stricter requirements were adopted.

However, that could also be accounted for by increased mining after the price of minerals recovered from the economic downturn of the early 2000s or other factors.